

Brett Foster (#6089)
Tamara Kapaloski (#13471)
DORSEY & WHITNEY LLP
111 S. Main Street, Suite 2100
Salt Lake City, UT 84111
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
foster.brett@dorsey.com
kapaloski.tammy@dorsey.com

Attorneys for Plaintiff Blendtec Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,
Plaintiff,
vs.
BLENDJET INC., a Delaware corporation,
Defendant.

**MOTION TO STAY SCHEDULING
ORDER DEADLINES**

Civil No. 2:21-cv-00668-TC-DBP
Judge Tena Campbell
Magistrate Judge Dustin B. Pead

Plaintiff Blendtec Inc. (“Blendtec”) hereby requests a stay of the deadlines in the Court’s February 7, 2025, Seventh Amended Scheduling Order (Dkt. No. 199). As grounds for this motion, Blendtec states as follows:

On January 13, 2025, Defendant Blendjet Inc. (“Blendjet”) experienced a significant corporate event such that its assets, including the trademarks at issue in this action, were the subject of a transaction that has impacted the course of this case.

On February 7, 2025, Blendtec discovered the identity of the acquiror of the Blendjet assets.

On February 11, 2025, Blendtec filed a trademark infringement lawsuit against the newly formed entity and against Blendjet related to the continuing infringement of Blendtec's trademarks at issue in this action. *See Civil Action No. 2:25-cv-00096-RJS-DBP* (the "2025 Action").

On February 20, 2025, Blendtec filed a Motion to Consolidate the 2025 Action into this action. *See Dkt. No. 200.*

On March 27, 2025, Blendjet's counsel in this action filed a Motion to Withdraw as Counsel. *See Dkt. No. 204.*

On April 11, 2025, the Court entered an Order granting the Motion to Withdraw as Counsel. *See Dkt. No. 209.* The Court ordered Blendjet's new counsel to file a Notice of Appearance within 21 days of the date of the Order. The Court further ordered that "[a] party who fails to file a Notice of Appearance as set forth [in the order], may be subject to sanction pursuant to Federal Rule of Civil Procedure 16(f)(1), including but not limited to dismissal or default judgment." *Id.* The Court further ordered that the action shall be stayed until 21-days after entry of the Order. *Id.*

The deadline for Blendjet's new counsel to file a Notice of Appearance and the stay expired on May 2, 2025, and Blendjet did not file a notice of appearance. Blendtec will file a motion for entry of default against Blendjet as soon as practicable.

There are upcoming deadlines in the current Scheduling Order, including a May 9, 2025, deadline for the filing of Rule 26(a)(2) expert disclosures. *See Dkt. No. 199.* Given the procedural anomalies in this case, including that Blendjet is currently not represented by counsel in this action, Blendtec hereby respectfully requests that all deadlines in the current scheduling order be stayed pending decision on the Motion to Consolidate. Blendtec has submitted herewith a proposed order granting the requested relief.

Respectfully submitted this 8th day of May, 2025.

DORSEY & WHITNEY LLP

/s/ Tamara L. Kapaloski

Brett Foster (#6089)

Tamara L. Kapaloski (#13471)

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of May, 2025, a true and correct copy of the foregoing was served on counsel of record via the Court's CM/ECF system.

/s/ Tamara L. Kapaloski